

**Notice of Allowability**

Application No.

09/819,325

Applicant(s)

ITRI, BENEDICT A

Examiner

Daniel Swerdlow

Art Unit

2644

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 12 November 2004.
2. ☒ The allowed claim(s) is/are 1-5, 7-10 and 13-16.
3. ☒ The drawings filed on 09 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_


### REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:
2. Claims 1 through 3 are allowable for reasons stated in the prior Office action, mailed on 12 July 2004.
3. Applicant has incorporated allowable matter from Claim 6 into Claim 4, from which Claim 6 depended. As such, Claim 4 is allowable.
4. Claims 5, 7 and 8 are allowable due to dependence from Claim 4.
5. Applicant has incorporated allowable matter from Claim 12, as well as all limitations from intervening claims, into Claim 9, from which Claim 12 depended. As such, Claim 9 is allowable.
6. Claims 10 and 13 through 16 are allowable due to dependence from Claim 9.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 703-305-4088. The examiner can normally be reached on Monday through Friday between 8:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

  
**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**

Art Unit: 2644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ds

7 February 2005

09819325

2-15-05

### Allowance Processing

1. Open Application In IFW.
2. Check Claim Renumbering on Issue Classification Sheet.
3. Check Claim Completeness on Madras "CLM" pages:
  - a. renumbered all pending claim,
  - b. no skipped claims,
  - c. no duplicate claims,
  - d. no higher dependencies.
4. Check for Attorney signature on "REM" page.
5. Complete "Hot List".
6. No discrepancy between Issue Classification sheet claim renumbering as indicated on the Issue Classification sheet and Notice of Allowability, the Action Folder is returned to Examiner.
7. Verify a Complete Set of Claims is present, and create a CLMPTO if there is not a complete set.
8. Review all Prior Art listings making sure a copy of the signed 1449's are present for each incoming IDS's/1449's and at least one PTO-892 is present in the application.
9. Reviewed all images for clarity; if problem exist, send a message to OIPE Problem Image specifying the problem. Do not forward Action folder until image problem has been corrected.
10. If corrections needed, return to Examiner with note attached. Processing will continue when Examiner returns the Action Folder.
11. Enter IREV transaction in PALM, forward to Index and Scanning area.